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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-433

13 **CARLOS VALLE, AKA CARLOS**
14 **PICARDO VALLE**
4455 Driving Range Road
Corona, CA 92883

ACCUSATION

15 Registered Nurse License No. 344699

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about April 30, 1982, the Board of Registered Nursing ("Board") issued
24 Registered Nurse License Number 344699 to Carlos Valle, aka Carlos Picardo Valle
25 ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on February 28, 2014, unless renewed.
27
28

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTES

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

8. Business and Professions Code section 125.3. states that:

"(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board

1 upon request of the entity bringing the proceedings, the administrative law judge may direct a
2 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
3 to exceed the reasonable costs of the investigation and enforcement of the case.

4 "(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order
5 may be made against the licensed corporate entity or licensed partnership.

6 "(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs
7 are not available, signed by the entity bringing the proceeding or its designated representative
8 shall be prima facie evidence of reasonable costs of investigation and prosecution of the case.
9 The costs shall include the amount of investigative and enforcement costs up to the date of the
10 hearing, including, but not limited to, charges imposed by the Attorney General.

11 "(d) The administrative law judge shall make a proposed finding of the amount of
12 reasonable costs of investigation and prosecution of the case when requested pursuant to
13 subdivision (a). The finding of the administrative law judge with regard to costs shall not be
14 reviewable by the board to increase the cost award. The board may reduce or eliminate the cost
15 award, or remand to the administrative law judge if the proposed decision fails to make a finding
16 on costs requested pursuant to subdivision (a).

17 "(e) If an order for recovery of costs is made and timely payment is not made as directed in
18 the board's decision, the board may enforce the order for repayment in any appropriate court.
19 This right of enforcement shall be in addition to any other rights the board may have as to any
20 licentiate to pay costs.

21 "(f) In any action for recovery of costs, proof of the board's decision shall be conclusive
22 proof of the validity of the order of payment and the terms for payment.

23 "(g)(1) Except as provided in paragraph (2), the board shall not renew or
24 reinstate the license of any licentiate who has failed to pay all of the costs ordered
25 under this section.

26 (2) Notwithstanding paragraph (1), the board may, in its discretion,
27 conditionally renew or reinstate for a maximum of one year the license of any
28 licentiate who demonstrates financial hardship and who enters into a formal

1 agreement with the board to reimburse the board within that one-year period for the
2 unpaid costs.

3 "(h) All costs recovered under this section shall be considered a reimbursement for costs
4 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
5 appropriation by the Legislature.

6 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
7 of investigation and enforcement of a case in any stipulated settlement.

8 "(j) This section does not apply to any board if a specific statutory provision in that board's
9 licensing act provides for recovery of costs in an administrative disciplinary proceeding.

10 "(k) Notwithstanding the provisions of this section, the Medical Board of California shall
11 not request nor obtain from a physician and surgeon, investigation and prosecution costs for a
12 disciplinary proceeding against the licentiate. The board shall ensure that this subdivision is
13 revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from
14 this subdivision is offset by an increase in the amount of the initial license fee and the biennial
15 renewal fee, as provided in subdivision (e) of Section 2435."

16 CAUSE FOR DISCIPLINE

17 (Discipline by the New York Board of Nursing)

18 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
19 (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was
20 disciplined as follows:

21 10. On or about February 14, 2006, in a case entitled *In the Matter of Carlos Valle*, case
22 number 22486, the Board of Regents of the University of the State of New York issued an Order
23 which granted an Application for Consent Order between the New York State Education
24 Department, Office of Professional Discipline, State Board for Nursing and Respondent.
25 Pursuant to the terms of the Order, Respondent's license was suspended for one year, but the
26 suspension was stayed and his license was placed on probation subject to certain terms and
27 conditions.
28

11. The facts and circumstances underlying the Application for Consent Order, which Respondent did not contest, were that in or about September 2002, while employed and on duty as a registered nurse at Southampton Hospital, Respondent committed the following acts of negligence:

(a) On or about September 3, 2002, Respondent administered Coumadin 10 mg to a patient when the physician's order called for Coumadin 2.5 mg to be administered.

(b) On or about September 8, 2002, Respondent turned off a Heparin "drip" on a patient in accordance with the doctor's order that it be turned off for one hour, but then failed to turn it back on.

(c) On or about September 10, 2002, Respondent failed to administer Coumadin to a patient in a timely manner.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 344699, issued to Carlos Valle, aka Carlos Picardo Valle;

2. Ordering Carlos Valle to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: NOVEMBER 28, 2012

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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